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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,346	09/23/2003	Shih Jung Feng	MR1683-500	3403
4586	7590	09/28/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/667,346		FENG, SHIH JUNG	
	Examiner		Art Unit	
	Thuy V. Tran		2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicant's filing on September 23rd, 2003. In virtue of this filing, claims 1-11 are currently presented in the instant application.

Drawings

1. The drawings submitted on 09/23/2003 are accepted.

Claim Objections/ Minor Informalities

2. Claims 1, 3-4, 6-7, and 9 are objected to because of the following informalities:

Claim 1, line 13, --tool-- should be inserted between "pneumatic" and ",";

Claim 1, line 18, "drive" should be changed to --drives--;

Claim 3, line 4, --tool-- should be inserted between "pneumatic" and "and";

Claim 4, "the" (first and second occurrences) should be changed to --a--; and --end-- should be inserted between "second" and "of";

Claim 6, line 4, --tool-- should be inserted between "pneumatic" and "and";

Claim 7, line 1, "2" should be changed to --6-- (since the claim should be dependent on claim 6);

Claim 7, line 4, --end-- should be inserted between "second" and "of"; and

Claim 9, line 4, --end-- should be inserted between "second" and "of".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent No. 5,267,129).

With respect to claim 1, Anderson discloses, in Figs. 1-6, a generate assembly and lighting element for a pneumatic tool comprising a body [12] including (1) a channel [40] defined therein, (2) a first passage [68] defined in the body [12]; the first passage having a first end adapted to communicate with an exhauster [80] of the pneumatic tool [46] and a second end extending to communicate with the channel [40] and defining an opening in an inner periphery of the channel, (3) a second passage [64] defined in the body [12]; the second passage having a first end communicating with the channel [40] and a second end extending to an outer periphery of the body for exhausting exhaust gas from the pneumatic tool [46], (4) a generator [44] mounted in the body [12] for generating electric power to the lighting element [20]; the generator having a turbine [46] (see col. 4, line 63-64) extending into the channel and eccentrically corresponding to the opening in the inner periphery of the channel such that exhaust gas, from the pneumatic tool [46], drives the turbine due to the eccentric relation between the turbine and the opening, (5) the lighting element [20] adapted to be attached to an operation end of the pneumatic tool [46] and electrically connected to the generator [44], and (6) a sleeve (see col. 4, lines 35-38) securely mounted around the body for air tightly closing the channel in the body.

With respect to claim 2, Anderson discloses, in Figs. 1-6, that the body [12] comprises a cavity [40] defined in a bottom of the channel for receiving the generator [44].

With respect to claim 3, Anderson discloses, in Figs. 1-6, that the body [12] comprises a third passage [72] defined therein; the third passage [72] having a first end adapted to

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communicate with an inlet of the pneumatic tool [46] and a second end extending to an outer periphery of the body for guiding compressed air flowing into the pneumatic tool (see col. 5, lines 27-32).

With respect to claim 4, Anderson discloses, in Figs. 1-6, that the body [12] comprises a joint [62] extending therefrom opposite to the pneumatic tool [46] and adapted to be connected to a compressed air source, a second end of a third passage [72] extending through the joint [62] of the body [12].

With respect to claim 6, Anderson discloses, in Figs. 1-6, that the body [12] comprises a third passage [72] defined therein; the third passage [72] having a first end adapted to communicate with an inlet of the pneumatic tool [46] and a second end extending to an outer periphery of the body [12] for guiding compressed air flowing into the pneumatic tool (see col. 5, lines 27-32).

With respect to claim 7, Anderson discloses, in Figs. 1-6, that the body [12] comprises a joint [62] extending therefrom opposite to the pneumatic tool [46] and adapted to be connected to a compressed air source, a second end of a third passage [72] extending through the joint [62] of the body [12].

With respect to claim 9, Anderson discloses, in Figs. 1-6, that the body [12] comprises a joint [62] extending therefrom opposite to the pneumatic tool [46] and adapted to be connected to a compressed air source, a second end of a third passage [72] extending through the joint [62] of the body [12].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 5,267,129).

With respect to claims 5, 8, and 10-11, Anderson discloses all of the claimed subject matter, as expressly recited in claims 1-4, except that the lighting element be a light emitting diode. Even though Anderson does not teach the use of a light emitting diode, Anderson suggests that any suitable conventional lamp with low power consumption can be used (see col. 3, lines 48-49). Therefore, depending upon an environment of use or a particular application, one of ordinary skills in the art at the time of the invention would find it obvious to employ a light emitting diode as the lighting element in the device of Anderson since the light emitting diode has been well known as a device employed with low power consumption.

Citation of relevant prior art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Mosimann (U.S. Patent No. 6,319,003) discloses a dental instrument with a pneumatic tool.

Prior art Spaulding (U.S. Patent No. 4,973,205) discloses a hand drill apparatus.

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Prior art Bhagwat et al. (U.S. Patent No. 4,835,410) discloses dual-mode corded/cordless system for power-operated devices.

Prior art Portyrata (U.S. Patent No. 3,845,291) discloses a water-powered swimming pool light.

Prior art Cameron et al. (U.S. Patent No. 2,525,588) discloses an illuminated electric drill.

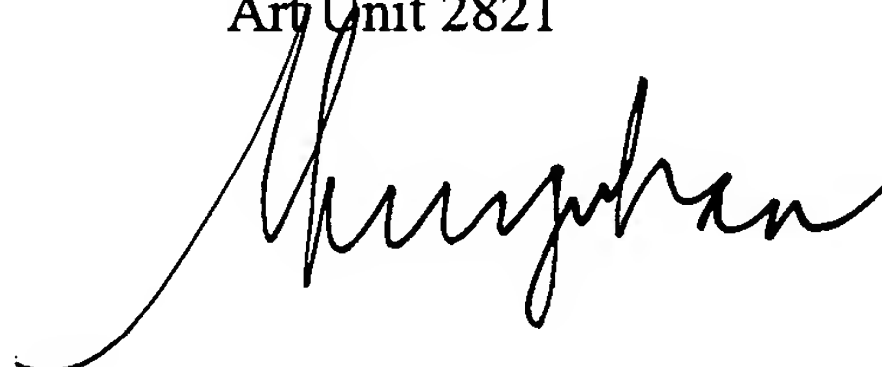
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuy V. Tran
Examiner
Art Unit 2821



09/26/2004